

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

EYM KING OF MICHIGAN, LLC,
d/b/a BURGER KING

and

Case 07-CA-118835

MICHIGAN WORKERS ORGANIZING
COMMITTEE

NOTICE TO SHOW CAUSE

On September 29, 2014, Administrative Law Judge Arthur J. Amchan issued a decision in this case. The Respondent filed exceptions, a supporting brief, a reply brief, and an answering brief. The General Counsel filed cross-exceptions, a supporting brief, a reply brief, and an answering brief. The Charging Party filed an answering brief to the Respondent's exceptions.

On August 15, 2018, the Board issued a Decision and Order severing and retaining for further consideration certain complaint paragraphs.¹ The severed complaint paragraphs allege that several rules in the Respondent's original and revised employee handbook violate Section 8(a)(1) of the National Labor Relations Act based on the prong of the analytical framework set forth in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004), that held an employer's maintenance of a facially neutral work rule would be unlawful "if employees would reasonably construe the language to prohibit Section 7 activity." *Id.* at 647. Recently, the Board overruled the *Lutheran Heritage* "reasonably construe" test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 16-18 (2017).

Accordingly, the Board hereby issues the following notice to show cause why the severed complaint allegations should not be remanded to the judge for further proceeding in light of

¹ 366 NLRB No. 156. The Board ruled on the other complaint allegations that were before it on exceptions.

Boeing, including, if necessary, the filing of statements, reopening the record, and issuance of a supplemental decision.

NOTICE IS GIVEN that any party seeking to show cause why this case should not be remanded to the administrative law judge must do so in writing, filed with the Board in Washington, D.C., on or before October 24, 2018 (with affidavit of service on the parties to this proceeding). Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., October 10, 2018.

By direction of the Board:

/s/ Roxanne L. Rothschild

Executive Secretary